

HOUSE BILL 436

Unofficial Copy  
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HB 1001/00 - JUD

2001 Regular Session  
1r0979

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By: **Delegates Hecht, W. Baker, Barkley, Boutin, Bronrott, Cadden, Conroy, Cryor, DeCarlo, Donoghue, Dypski, Franchot, Frush, Glassman, Heller, Hubers, Hutchins, James, V. Jones, Kagan, Klausmeier, Mandel, Marriott, McIntosh, Morhaim, Parrott, Pitkin, Riley, Rosso, Rudolph, Shank, Sophocleus, and Stern**

Introduced and read first time: February 1, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Child Sexual Offenses - Travel**

3 FOR the purpose of prohibiting a person from traveling or conspiring to travel on  
4 certain property for the purpose of engaging in certain prohibited sexual  
5 activities with individuals who are or who are believed to be under a certain age;  
6 establishing certain penalties; providing for the venue of certain courts;  
7 authorizing interception of certain communications for certain purposes in  
8 connection with enforcement of this Act; making the provisions of this Act  
9 severable; and generally relating to crimes against or involving individuals  
10 under a certain age.

11 BY adding to  
12 Article 27 - Crimes and Punishments  
13 Section 464H  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - Courts and Judicial Proceedings  
18 Section 10-402(c)(2)  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

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**Article 27 - Crimes and Punishments**

2 464H.

3 (A) A PERSON MAY NOT TRAVEL OR CONSPIRE TO TRAVEL ON PROPERTY  
4 INTENDED OR PERMITTED FOR PUBLIC USE FOR THE PURPOSE OF ENGAGING IN A  
5 SEXUAL ACT OR VAGINAL INTERCOURSE WITH AN INDIVIDUAL WHO IS OR IS  
6 BELIEVED TO BE UNDER THE AGE OF 18 YEARS THAT IS PROHIBITED UNDER THIS  
7 SUBHEADING.

8 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A  
10 FINE NOT EXCEEDING \$3,000 OR BOTH.

11 (C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE FROM  
12 AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE  
13 BASED ON THE ACT ESTABLISHING THE OFFENSE UNDER THIS SECTION.

14 (D) A COURT OF COMPETENT JURISDICTION MAY TRY A PERSON CHARGED  
15 WITH VIOLATING THIS SECTION IN A COUNTY WHERE:

16 (1) THE TRAVEL BEGAN, CONTINUED, OR ENDED; OR

17 (2) THE PERSON COMMITTED THE VIOLATION, IF ANY, OF THIS  
18 SUBHEADING AGAINST THE INDIVIDUAL WHO WAS OR WAS BELIEVED TO BE UNDER  
19 THE AGE OF 18 YEARS.

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**Article - Courts and Judicial Proceedings**

21 10-402.

22 (c) (2) It is lawful under this subtitle for an investigative or law enforcement  
23 officer acting in a criminal investigation or any other person acting at the prior  
24 direction and under the supervision of an investigative or law enforcement officer to  
25 intercept a wire, oral, or electronic communication in order to provide evidence of the  
26 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or  
27 second degree, A VIOLATION OF ARTICLE 27, § 464H OF THE CODE, child abuse, child  
28 pornography, as defined under Article 27, §§ 419A and 419B of the Code, gambling,  
29 robbery under Article 27, § 486 or § 487 of the Code, any felony punishable under the  
30 "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in  
31 controlled dangerous substances, including violations of Article 27, § 286B or § 287A,  
32 fraudulent insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article,  
33 offenses relating to destructive devices under Article 27, § 139C of the Code, or any  
34 conspiracy or solicitation to commit any of these offenses, or where any person has  
35 created a barricade situation and probable cause exists for the investigative or law  
36 enforcement officer to believe a hostage or hostages may be involved, where the  
37 person is a party to the communication or one of the parties to the communication has  
38 given prior consent to the interception.

1 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
2 Act or the application thereof to any person or circumstance is held invalid for any  
3 reason in a court of competent jurisdiction, the invalidity does not affect other  
4 provisions or any other application of this Act which can be given effect without the  
5 invalid provision or application, and for this purpose the provisions of this Act are  
6 declared severable.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2001.